Court of Session Act 1988

1988 CHAPTER 36

PART IV

OTHER CAUSES

Special cases

27   Special cases.

(1) Where any parties interested, whether personally or in some fiduciary or official capacity, in the decision of a question of law are agreed upon the facts, and are in dispute only on the law applicable to those facts, it shall be competent for them without raising any proceeding, or at any stage of any proceeding, to present to the Inner House a case (in this section referred to as a special case) signed by their counsel setting out the facts upon which they are so agreed and the question of law arising from those facts; and the parties may ask the Court either for its opinion or for its judgment on that question of law.

(2) The Court may, if it thinks fit, in case of difficulty or importance or of equal division, appoint a special case to be reheard by a larger court under section 36 of this Act.

(3) The Court shall dispose of all questions of expenses arising in a special case.

(4) Any judgment pronounced by the Court by virtue of this section shall be extractible in common form.

(5) Any judgment pronounced by the Court by virtue of this section shall be liable to review by the [F1Supreme Court] unless such review is excluded by consent of all the parties to the special case.

Textual Amendments

F1   Words in s. 27(5) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 148, **Sch. 9 para. 49(3)**; S.I. 2009/1604, **art. 2(d)**

Changes to legislation:
Court of Session Act 1988, Cross Heading: Special cases is up to date with all changes known to be in force on or before 16 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

> **Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**
> Whole provisions yet to be inserted into this Act (including any effects on those provisions):
>
> –   s. 27(1A) added by 2024 asp 1 s. 7(13)